IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLN.NO.57 OF 2007

Vinayak Sadashiv Todankar ..Applicant

Vs.

Sharad Bhairavnath Mulik
and Anr. ..Respondents

...

Mr.Sarafaraz Khalife and Associates for applicant
Mr.K.V.Saste A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 22, 2007

P.C.

1. Heard the learned counsel for the applicant-original accused, learned counsel for the respondent no.1-original complainant and the learned A.P.P. for the State.

2. By judgment and order dated 4.9.2004, the learned IInd Judicial Magistrate F.C Ratnagiri, has convicted the applicant under Section 138 of Negotiable Instruments Act and sentencedhim to suffer S.I. for three months and to pay compensation of Rs.30,000/- (Rs.Thirty thousand only), in default of payment of compensation, S.I.

for 30 days. Being aggrieved thereby, the applicant has preferred appeal bearing Appeal No. 68 of 2004. By judgment and order dated 17.1.2007, the learned Sessions Judge, Ratnagiri, dismissed the said appeal. Being aggrieved thereby, present revision has been preferred.

3. The learned counsel for the respondent no.1-original complainant and learned counsel for the applicant has submitted that they have decided to amicably settle the matter. On account of this statement, the applicant has handed over Rs.10,000/- today to the counsel for the respondent no.1-orignial complainant. It is also agreed that applicant will give further amount of Rs.2,500/- by 30.3.2007 to the complainant. The applicant has already deposited an amount of Rs.20,000/- before the trial Court. The details of which are as under:

a) Receipt dated 4.9.2004 amounting to Rs.5,000/-

b) Receipt dated 13.9.2004 amounting to Rs.5,000/-

c) Receipt dated 24.9.2004 amounting to

Rs.10,000/-.

4. The complainant is allowed to withdraw this amount of Rs.20,000/- forthwith. In view of the above, the learned counsel for the complainant states that there is no objection to the matter being compounded. In view of the above position, the case is compounded and the applicant is acquitted therein.

5. It is made clear that if applicant does not hand over the amount of Rs.2,500/- by 30.3.2007 to the complainant, this order shall stand vacated and this revision application shall stand revived.

6. Revision is disposed of.

[V.K.Tahilramani, J.]